

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOSE FAVIO JEREZ MOLINA,)	
)	
Petitioner,)	8:09CV283
)	
vs.)	ORDER
)	
ERIC HOLDER, Attorney General,)	
JANET NAPOLITANO,)	
Secretary of Homeland Security,)	
JOHN MORTON, Assistant Secretary for)	
U.S. Immigration and Customs Enforcement,)	
GREG JENSEN, U.S. Immigration and)	
Customs Enforcement,)	
JEFF NEWTON,)	
Director Douglas County Corrections,)	
)	
Respondents.)	

This matter is before the court on Jose Favio Jerez Molina's Petition for a Writ of Habeas Corpus, Pursuant to [28 U.S.C. § 2241](#), by a Person Subject to Indefinite Immigration Detention ([Filing No. 1](#)). The petitioner alleges he is being detained at the Douglas County Correctional Center in Omaha, Nebraska, by Immigration and Customs Enforcement, a division of the Department of Homeland Security. The petitioner alleges he has been detained since August 2008. Further, he alleges he is eligible for release under supervision, pursuant to [8 U.S.C. § 1231\(a\)\(6\)](#), pending the appeal of his final order of removal. Accordingly, the petitioner alleges his indefinite detention exceeds the Respondents' statutory authority to detain him and violates his substantive and procedural due process rights. Additionally, the petitioner alleges the indefinite detention is punitive in nature. Under the circumstances, the respondents shall show cause why the writ should not be granted. **See** [28 U.S.C. § 2243](#). Upon consideration,

IT IS ORDERED:

1. Within three business days of service of this order and the petition, the respondents shall show cause why the petitioner's writ should not be granted.

2. The petitioner shall serve his petition and this order on the respondents forthwith. The petitioner shall file a proof of such service with the Clerk of Court.

DATED this 26th day of August, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge